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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RAFAEL EMILIO MEDRANO LARA,

Petitioner, : 04 Civ.8020 (LAP) (KNF)

-against- : ORDER ADOPTING REPORT  
: AND RECOMMENDATION

THE STATE OF NEW YORK,

Respondent. :

LORETTA A. PRESKA, United States District Judge:

On October 12, 2004, Petitioner Rafael Emilio Medrano Lara filed a petition for habeas corpus. (Dkt. no. 1.) On November 16, 2006, this Court referred the action to Honorable Kevin N. Fox. (See Dkt. no. 2.) On March 12, 2008, Judge Fox issued a report (the "Report") recommending that this Court dismiss the petition as procedurally barred. (See Dkt. no. 36) The parties were given ten days from the date thereof to submit objections thereto.

The parties having failed to file any objections to the Report I find the Report to be well-reasoned and thoroughly grounded in the law. Accordingly, it is hereby ORDERED that the Report be adopted in its entirety and that the Clerk of the Court mark this action closed and all pending motions denied as moot.

SO ORDERED: New York, New York  
June 2 , 2008

*Loretta Preska*  
LORETTA A. PRESKA, U.S.D.J.